

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CAMERON PIERCE and PATRICIA
PIERCE, husband and wife; KAREN KIRBY,
a single woman; MARY J. RAY, a single
woman, GREGORY SHERMAN and
PAULA SHERMAN, husband and wife,
MICHAEL LEPAGE and GERTRUDE
LEPAGE, husband and wife; on behalf of
themselves and a class of similarly situated
individuals,

Plaintiffs,

v.

NOVASTAR MORTGAGE, INC., a foreign
corporation,

Defendant.

CASE NO. C05-5835RJB

MINUTE ORDER

The plaintiffs' Renewed Motion for Class Certification (Dkt. 61) is currently pending before the Court. Certain matters raised in the motion are appropriate for oral argument. Oral argument is hereby scheduled for October 27, 2006, at 10:00 a.m. before Hon. Robert J. Bryan. Each party will be allowed ten minutes to present argument on the Renewed Motion. The Court is particularly interested in the following:

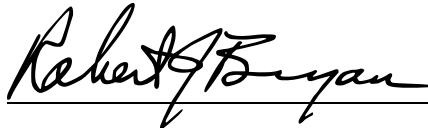
Whether the Washington Consumer Protection Act requires evidence of each potential class member's reliance on the omission of YSP information;

1 If so, whether that proof requirement defeats class certification; and

2 Whether certification to the Washington Supreme Court is necessary, before determining
3 class certification issues, on the question of whether individualized proof of reliance on allegedly
4 unfair or deceptive omissions is required to satisfy the CPA's causation element.

5 The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel
6 of record and to any party appearing *pro se* at said party's last known address.

7 DATED this 13th day of October, 2006.

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11 ROBERT J. BRYAN
12 United States District Judge
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